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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 2009-174

13 **VICTORIA JEAN LOVIO**  
505 East Lake Street  
Mt. Shasta, California 96067

**STATEMENT OF ISSUES**

14 Respondent.  
15

16 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

17 **PARTIES**

18 1. Complainant brings this Statement of Issues solely in her official capacity  
19 as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

20 **Application Information**

21 2. On or about June 3, 2008, the Board of Registered Nursing, Department of  
22 Consumer Affairs received an Application for Licensure by Exam from Victoria Jean Lovio  
23 ("Respondent"). On or about May 28, 2008, Victoria Jean Lovio certified under penalty of  
24 perjury to the truthfulness of all statements, answers, and representations in the application. The  
25 Board denied the application on July 17, 2008.

26 **STATUTORY PROVISIONS**

27 3. Section 2736 of the Business and Professions Code ("Code") provides, in  
28 pertinent part, that the Board of Registered Nursing ("Board") may deny a license when it finds

1 that the applicant has committed any acts constituting grounds for denial of licensure under Code  
2 section 480.

3 4. Code section 480 states:

4 (a) A board may deny a license regulated by this code on the grounds that  
5 the applicant has one of the following:

6 (1) Been convicted of a crime. A conviction within the meaning of this  
7 section means a plea or verdict of guilty or a conviction following a plea of nolo  
8 contendere. Any action which a board is permitted to take following the  
9 establishment of a conviction may be taken when the time for appeal has elapsed,  
or the judgment of conviction has been affirmed on appeal, or when an order  
granting probation is made suspending the imposition of sentence, irrespective of  
a subsequent order under the provisions of Section 1203.4 of the Penal Code.

10 (3) Done any act which if done by a licentiate of the business or  
profession in question, would be grounds for suspension or revocation of license.

11 The board may deny a license pursuant to this subdivision only if the  
12 crime or act is substantially related to the qualifications, functions or duties of the  
business or profession for which application is made.

13 5. Section 2761 of the Code states:

14 The board may take disciplinary action against a certified or licensed nurse  
15 or deny an application for a certificate or license for any of the following:

16 (f) Conviction of a felony or of any offense substantially related to the  
17 qualifications, functions, and duties of a registered nurse, in which event the  
record of the conviction shall be conclusive evidence thereof.

18 6. Code section 490 states:

19 A board may suspend or revoke a license on the ground that the licensee  
20 has been convicted of a crime, if the crime is substantially related to the  
21 qualifications, functions, or duties of the business or profession for which the  
22 license was issued. A conviction within the meaning of this section means a plea  
23 or verdict of guilty or a conviction following a plea of nolo contendere. Any  
24 action which a board is permitted to take following the establishment of a  
conviction may be taken when the time for appeal has elapsed, or the judgment of  
conviction has been affirmed on appeal, or when an order granting probation is  
made suspending the imposition of sentence, irrespective of a subsequent order  
under the provisions of Section 1203.4 of the Penal Code.

## 25 **FIRST CAUSE FOR DENIAL OF APPLICATION**

### 26 **(Criminal Conviction)**

27 7. Respondent's application is subject to denial under Code sections 480,  
28 subdivision (a)(1) and 2761, subdivision (f), in that on July 7, 2008, in the Superior Court,

1 County of Butte, California, in the matter entitled *People vs. Victoria Jean Lovio*, (2008) Case  
2 No. SCR64745, Respondent was convicted by the court on her plea of nolo contendere of a  
3 violation of Vehicle Code section 23103 [reckless driving on a highway], a misdemeanor. The  
4 original charges against Respondent were violation of Vehicle Code sections 23152(a) [driving  
5 under the influence of alcohol] and 23152(b) [driving while having an 0.08% or higher blood  
6 alcohol].

7 **SECOND CAUSE FOR DENIAL OF APPLICATION**

8 **(Acts Which if Done by a Licentiate Constitute Cause for Discipline)**


9 8. Respondent's application is subject to denial pursuant to Code section  
10 480, subdivision (a)(3), in that Respondent committed acts which if done by a licentiate of the  
11 profession would constitute discipline pursuant to Code sections 490 and 2761, subdivision (f).

12 **PRAYER**

13 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
14 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 15 1. Denying the application of Victoria Jean Lovio for a registered nurse  
16 license; and,  
17 2. Taking such other and further action as deemed necessary and proper.

18 DATED: 2/23/09  
19

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21   
RUTH ANN TERRY, M.P.H., R.N.  
22 Executive Officer  
23 Board of Registered Nursing  
24 Department of Consumer Affairs  
25 State of California

26 Complainant  
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